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8 Attorney for Plaintiffs
9 KEITH HUFNAGEL,
10 and PETITE SOEUR, INC. d.b.a. HUF

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KEITH HUFNAGEL, and
PETITE SOEUR, INC. d.b.a. HUF,

Plaintiffs,

vs.

ROY LAPISH and DOES 1-10,

Defendant.

) Case No. C 08-00489 JSW

)
) **REQUEST FOR ENTRY OF CONSENT**
) **DECREE AND REQUEST FOR**
) **EXTENSION OF TIME**

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17 Plaintiffs Keith Hufnagel and Petite Soeur, Inc. d.b.a. HUF filed their Complaint for
18 Trademark Infringement and Unfair Competition against the named defendant Roy LaPish on
19 January 23, 2008. Plaintiffs served Defendant on March 20, 2008. Defendant has not appeared
20 in this matter and has until April 9, 2008 by which to file his answer.

21 After the period of time that the Complaint was filed and since the date Defendant was
22 served, meaningful settlement discussion ensued between the parties' counsel resulting in the
23 negotiated settlement agreement in the form of a proposed Consent Decree, which is attached
24 as **Exhibit A**. Defendant is represented by counsel admitted to practice in Louisiana but who is
25 not admitted to practice before this Court. Counsel for Defendant has seen and agreed to the

1 Consent Decree. See **Exhibit B**. For that reason, Defendant, but not counsel, executed the
2 Consent Decree.

3 Accordingly, all parties respectfully request that pursuant to the agreement settling all
4 their respective claims, this Court enter judgment in the form attached as **Exhibit A**.

5 In light of the agreement to entry of this Consent Decree, Plaintiffs respectfully request
6 that the Court 1) extend the date by which Defendant is to respond to Plaintiffs Complaint by
7 three (3) weeks; and 2) extend the dates set forth in the Court's February 12, 2008 "Order
8 Setting Case Management Conference and Requiring Joint Case Management Conference
9 Statement", including the associated dates, also by three (3) weeks; or as soon thereafter to
10 allow sufficient time for the Court to review and enter the parties' Consent Decree.

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13 DATED: April ⁸__, 2008

Respectfully submitted,

LAW OFFICE OF ANNE HIARING

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16 By: 

Anne Hiaring, Esq.
711 Grand Avenue, Suite 260
San Rafael, CA 94901
(415) 457-2040
anne@hiaringlaw.com

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20 Attorney for KEITH HUFNAGEL and
PETITE SOEUR, INC., d.b.a. HUF

EXHIBIT A

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
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KEITH HUFNAGEL, and
PETITE SOEUR, INC. d.b.a. HUF,

Plaintiffs,

vs.

ROY LAPISH and DOES 1-10,

Defendant.

Case No. C 08-00489 JSW

CONSENT DECREE

The parties have agreed to a settlement of the claims between them, and to entry of this consent decree, it is hereby ORDERED, ADJUDGED AND DECREED:

1. This Court has jurisdiction over the parties to this action and over the subject matter pursuant to 15 U.S.C. § 1051, *et. seq.*, and 28 U.S.C. §§ 1338 and 1391.

2. Plaintiffs, KEITH HUFNAGEL and PETITE SOEUR, INC. d.b.a. HUF, manufacture and market clothing and skateboard equipment under the federally registered

CONSENT DECREE
CASE NO. 08-00489 JSW

1 trademark HUF, HUF (Stylized),  and the unregistered trademark SKYLINE LOGO:

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7 3. Plaintiff KEITH HUFNAGEL has used the mark HUF since at least as early as
8 1992 on skateboard equipment and clothing.

9 4. Plaintiff KEITH HUFNAGEL is the owner of the following registrations in the
10 U.S. Patent and Trademark Office:

11 A. U.S. Trademark Registration No. 2,994,661, HUF (Stylized), for
12 "t-shirts, sneakers, sweat shirts and hats", in International Class
25;

13 B. U.S. Registration No. 3,312,384, HUF, for "clothing, namely, t-
14 shirts, sneakers, sweat shirts, socks, and hats", in International
Class 25;

15 C. U.S. Registration No. 3,312,385, HUF, for "retail and on-line retail
16 store services, featuring sneakers, clothing and skateboard
products", in International Class 35; and

17 D. U.S. Registration No. 3,312,419, "HUF", for "skateboard trucks,
18 decks and wheels", in International Class 28.

19 5. Plaintiffs have the exclusive right to use the HUF, HUF (Stylized) and
20 SKYLINE LOGO marks to identify the source or origin of its products manufactured, marketed
21 and sold under its HUF, HUF (Stylized) and SKYLINE LOGO marks for clothing, skateboard
22 equipment, general merchandise and retail store services.
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1 6. Plaintiffs have the exclusive right to the use name or trademark HUF, HUF
2 (Stylized) and SKLYNE LOGO in commerce on or in connection with clothing, skateboard
3 equipment, general merchandise and retail store services.

4 7. Defendant, ROY LAPISH, provides graphic art design services under the
5 federally registered mark HUF.

6 8. Defendant has used the mark HUF since at least as early as 1995 providing
7 graphic art design services.

8 9. Defendant is the owner of the registration in the U.S. Patent and Trademark
9 Office HUF, U.S. Registration No. 2,832,970, for "provide[sic] graphic art design services for
10 others, namely, preparing designs for business logos, websites, business cards, compact disk
11 covers, fliers [sic], magazine layout; and design services for others in the field of clothing", in
12 International Class 42.

13 10. Plaintiff agrees that Defendant can continue to use the mark HUF in connection
14 with graphic art design services and maintain his federal service mark registration for the mark
15 HUF, U.S. Registration No. 2,832,970.

16 11. Plaintiff also agrees that Defendant can retain the domain names
17 www.huf2much.com and www.hufragz.com and maintain the websites hosted at these website
18 addresses in connection with offering graphic art design services.

19 12. Defendant agrees to cease all use of the term HUF or variants of HUF, including
20 but not limited to HUFRAGZ and HUF2MUCH, now and in the future in connection with the
21 sale of clothing and any products or services unrelated to graphic art design services.

22 13. Defendant agrees to remove any online clothing store using the term HUF on
23 eBay and/or similar sites, including but not limited to "HUF T-Shirt Company".
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1 14. Defendant agrees to expressly abandon his applications to register the marks
2 HUFRAZGZ, Application Serial No. 77/151,851, and HUF2MUCH, Application Serial No.
3 77/152,000, for clothing in International Class 25.

4 15. Defendant agrees to dismiss with prejudice the Trademark Trial and Appeal
5 Board Cancellation No. 92048618, instituted by Defendant against Plaintiff KEITH
6 HUFNAGEL's federally registered HUF mark, Reg. No. 2,994,661.

7 16. Defendant agrees to not contest ownership in the future of the HUF, HUF
8 (Stylized) and SKYLINE LOGO marks owned by Plaintiffs.

9 17. Both parties agree that this matter was a business dispute that has been resolved
10 by the parties; both parties agree to refrain from making any statement or representations that in
11 any way negatively publicizes the other party's enforcement of its trademark rights.

12 18. The parties having settled all damage issues between themselves, no award of
13 damages is made, and each party shall bear its own attorneys' fees and costs.

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1 19. The parties will file contemporaneously a Stipulation to Entry of Consent Decree
2 and Consent Decree in this same form in the pending civil action filed by Defendant in the
3 United States District Court, Eastern District of Louisiana (New Orleans), Case No. 2:07-cv-
4 03071-SRD-JCW.

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6 IT IS SO ORDERED:

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9 Dated: _____

HON. JEFFREY S. WHITE
UNITED STATES DISTRICT COURT JUDGE

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12 WE HEREBY CONSENT TO ENTRY OF THIS CONSENT DECREE:

13 Dated: 4.8.2008

Dated: 4-7-008

14 LAW OFFICE OF ANNE HIARING

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16 By: 
Anne Hiaring, Esq.
Attorney for Plaintiffs

17 By: 
Roy LaPish, Individually

EXHIBIT B



Keaty Professional Law Corporation

Patents, Trademarks & Copyrights

Thomas S. Keaty**†
Bella I. Safran**
Thomas S. Keaty, III

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*Registered Patent Attorney
† Admitted LA and TX
**Admitted TN only

April 8, 2008

Via Facsimile ONLY

Anne Haring, Esquire
711 Grand Avenue, Suite 260
San Rafael, CA 94901

Re: Keith Hufnagel, etal vs Roy LaPish and Does 1-10
Case No. C 08-00489 JSW,
Northern District Court of California
Roy LaPish d/b/a Hufragz.com v. Keith Hufnagel
Civil Action No. 07-3071
Our Docket No: L07-2354
Your Docket No: HUF 1.1

Dear Ms. Haring:

As we discussed on the phone a few moments ago, just so it is abundantly clear, my office has approved the Consent Decree that has been signed by my client, Mr. LaPish and forwarded to your office.

As promised, we are awaiting your approved Consent Decree signed by your client for filing in the Eastern District of Louisiana action.

With kind regards, we are,

Very truly yours,

Keaty Professional Law Corporation

Thomas S. Keaty

TSK:pg

P.S. Please note that the original will be overnighted from our client although we are fairly sure a fax copy can be filed with the court.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF MARIN

I am employed in the County of Marin, State of California; my business address is 711 Grand Avenue, Suite 260, San Rafael, California 94901; I am over the age of 18 and not a party to the within action. On this date I served the following document(s):

REQUEST FOR ENTRY OF CONSENT DECREE AND REQUEST FOR EXTENSION OF TIME

on the parties shown below:

Roy LaPish
c/o Thomas S. Keaty
Keaty Professional Law Corporation
2140 World Trade Center
No. 2 Canal Street
New Orleans, LA 70130

Tel: 504-524-2100
Fax: 504-524-2105
Email: tskeaty@keatypatentfirm.com

☐ (BY FAX) I am readily familiar with the firm's practice of facsimile transmission; on this date the above-referenced documents were transmitted, the transmission was reported as complete and without error and the report was properly issued.

☒ (BY MAIL) I am readily familiar with the firm's practice for the processing of mail; on this date, the above-referenced documents were placed for collection and delivery by the U.S. Postal Service following ordinary business practices.

☐ (BY OVERNIGHT DELIVERY) I am readily familiar with the firm's practice for the processing of documents for delivery services; on this date, the above-referenced documents were placed for collection and delivery following ordinary business practices.

☐ (BY ELECTRONIC FILING) On this date I provided the documents(s) listed above electronically through the Court's electronic filing service provider pursuant to the instructions on that website.

☐ (BY E-MAIL) On this date, the above-referenced documents were converted to Adobe files and e-mailed to the addresses shown.

☐ (BY PERSONAL SERVICE) I caused the above documents to be delivered by hand pursuant to CCP § 1011.

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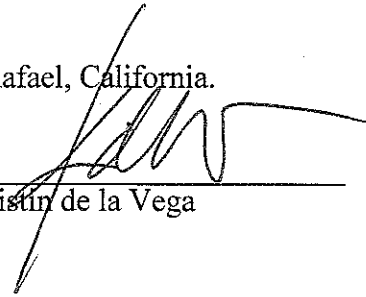
☒

Federal: I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

☐

State: I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on this 8th day of April 2008 at San Rafael, California.



Kristin de la Vega